

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHESTER HARDY,

Plaintiff,

vs.

No. 11-CV-13072-DT

Hon. Gerald E. Rosen

DEBRA SCUTT, et al.,

Defendants.

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ORDER REINSTATING PREVIOUSLY VACATED JUDGMENT

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on March 31, 2015

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

On February 23, 2015, the Court entered an Order adopting the Magistrate Judge's February 5, 2015 Report and Recommendation, granted the motion for summary judgment filed by Karen Ibarra, R.N. and Corizon Health, Inc. -- the only two remaining defendants in this prisoner civil rights action -- and, accordingly, entered a Judgment of Dismissal, dismissing this case in its entirety, with prejudice. The Court's Order and Judgment apparently crossed in the mail with a Motion for Extension of Time filed by Plaintiff Chester Hardy in which Hardy requested an extension of time to file objections to the Magistrate Judge's Report and Recommendation. The Court found sufficient good cause for the extension of time requested by Plaintiff, and, therefore, on March 4, 2015,

the Court vacated its February 23, 2015 Order and Judgment, and entered an Order allowing Plaintiff until March 25, 2015 to file any objections to the R&R. Plaintiff timely complied with the Court's Order and the matter is now once again before the Court for consideration of the Magistrate Judge's Report and Recommendation in light of Plaintiff's Objections.

The Court has now once again reviewed the Magistrate Judge's Report and Recommendation [**Dkt. # 72**], along with Plaintiff's Objections, Defendants' Response to Plaintiff's Objections, and the Court's entire file of this matter. Having done so, the Court determines that Plaintiff's Objections should be overruled and the Magistrate Judge's R&R should be adopted by the Court.

Accordingly, the Court concludes that, for the reasons stated in the Report and Recommendation, Defendants' Motion for Summary Judgment [**Dkt. # 65**] should be GRANTED, Plaintiff's Motion to Compel Discovery [**Dkt.# 63**] should be DENIED, as moot, and this case should be DISMISSED, in its entirety, with prejudice.

Therefore,

IT IS HEREBY ORDERED that JUDGMENT [**Dkt. # 73**], which was previously vacated by the Court on March 4, 2015 [Dkt. # 75], be, and hereby is, REINSTATED as of the date of this Order.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: March 31, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 31, 2015, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager, (313) 234-5135